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*Of Attorneys for Defendants*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**PORTLAND DIVISION**

**STEVEN HAYES, as personal  
representative of the estate of QUANICE  
HAYES, deceased, AND VENUS HAYES,**

**PLAINTIFFS,**

**v.**

**CITY OF PORTLAND, a municipal  
corporation, and ANDREW HEARST,**

**DEFENDANTS.**

**3:18-cv-00988-AC**

**DECLARATION OF WILLIAM W.  
MANLOVE**

**(In Support of Defendants' *Unopposed*  
Motion for Extension of Time for  
Completion of Expert Discovery, Filing of  
Joint ADR Report, and Filing Dispositive  
Motions)**

I, William W. Manlove, being first duly sworn, do depose and say:

1. I am one of the attorneys representing City of Portland and Andrew Hearst  
("Defendants") in the above-entitled matter.

2. I make this declaration in Support of Defendants' Unopposed Motion for Extension of Time for Completion of Expert Discovery, Filing of Joint ADR Report, and Filing of Dispositive Motions.

3. The parties have completed fact discovery.

4. In accordance with the Court's scheduling Order dated January 13, 2020 [ECF No. 87], the parties exchanged expert disclosures and reports on February 28, 2020, and exchanged expert rebuttal reports on March 13, 2020. Plaintiffs identified seven experts; Defendants identified five experts. Many of the expert witnesses live out of state, including in the Seattle, Washington area, Southern California, and the Bay Area of California.

5. On March 16, 2020, Oregon Governor Kate Brown declared a State of Emergency related to the COVID-19 pandemic, mandating various social distancing protocols. On March 17, 2020, Governor Brown issued an executive order closing public schools until April 28, 2020. Plaintiffs' counsel and defense counsel have school age children.

6. The State of Emergency and school closures have affected the ability of counsel to schedule depositions of experts. Plaintiffs' counsel and I have needed additional time to work on scheduling the expert depositions due to other work matters, adjusting to working remotely from home, (including assessing technical capabilities for teleconferencing), and new personal demands related to the COVID-19 pandemic. Mr. Merritthew has told me that he and Ms. Albies are now essentially working part time from home.

7. The parties are intending to move forward with scheduling the expert depositions remotely via different teleconferencing platforms. However, because of the COVID-19 pandemic, the parties are unable to complete expert witness depositions at this time and need additional time to complete this part of discovery.

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8. The parties believe that an approximate 90-day extension of all pending deadlines will allow adequate time for the parties to remotely complete expert discovery, and to file dispositive motions after National and State emergency orders are presumably rescinded or modified, and social distancing restrictions are also rescinded or modified.

9. Plaintiffs' attorneys, Jesse Merrithew and J. Ashlee Albies, have no objection to this request for an extension of time.

10. This motion is presented in good faith and not for reasons of delay.

**I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.**

DATED: April 3, 2020

/s/William W. Manlove  
William W. Manlove